

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

ORIGINAL

RECEIVED

NOV 27 1992

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

ORIGINAL
FILE

In the Matter of)
)
Amendment of Section 73.202(b)) MM Docket No. 92-228
Table of Allotments) RM-8079
FM Broadcast Stations)
(Allouez, Wisconsin))

To: Allocations Branch

COUNTERPROPOSAL

Julian Jetzer d/b/a Sheboygan Falls Broadcasting ("SFB") hereby submits a counterproposal to the proposal of Michael R. Walton to allot Channel 294C3 to Allouez, Wisconsin. SFB proposes, as a superior alternative under the FCC's allotment priorities, the allotment of Channel 294A to Sheboygan Falls, Wisconsin. SFB proposes to amend the table of allotments as follows:

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Sheboygan Falls, WI	--	294A
Allouez, WI	--	--

With a site restriction approximately 1 kilometer north of the FCC's Sheboygan Falls reference coordinates, the proposed allotment would cover the entire city of license with at 3.16 mV/m contour. Supporting engineering data is attached.

Sheboygan Falls is an incorporated city with a population of 5,800. It has its own full-time police and fire departments, its

No. of Copies rec'd 14
List A B C D E

own school system, and its own weekly newspaper, the Sheboygan Falls News. Sheboygan Falls has a substantial business district, a large manufacturing base, and its own industrial park. A substantial number of people commute into Sheboygan Falls for work. Sheboygan Falls does not share a common border or any public services with the city of Sheboygan. The two cities are separated by the village of Kohler.

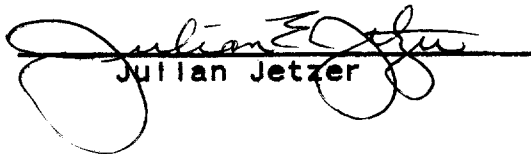
While Mr. Walton states that his proposal is to bring a first local service to Allouez, it is in fact a proposal to allot a C3 station to Green Bay. Allouez is merely an upscale residential suburb of Green Bay. Green Bay and Allouez have contiguous borders. Allouez is a village, not a city. It has no manufacturing and only limited retail services. It does not have its own police department (it contracts with the Brown County Sheriff's department for police protection) or its own newspaper. Allouez is completely dependent upon Green Bay and the surrounding metropolitan area. A C3 station allotted to Allouez would encompass all of the city of Green Bay. Under these circumstances, Mr. Walton's proposal must be considered to be a proposal to allot a new channel to Green Bay. RKO General (KFRC), 5 FCC Record 3222 (1990).

The proposed allotment would bring Sheboygan Falls its first local service, a second level allotment priority. Channel 294C3 at Allouez/Green Bay would not serve any of the top allotment priorities, and could only be considered under the bottom "other public interest matters" priority. Four commercial television

stations and many commercial radio stations are already licensed to Green Bay.

If Channel 294A is allotted to Sheboygan Falls, SFB will file an application for that channel and will build the station if awarded a construction permit. Mr. Jetzer will propose to divest any broadcast interests that he has at the time of application that would be in conflict with the proposed allotment to Sheboygan Falls, so that his application will comply in all respects with applicable FCC rules. Under penalty of perjury, the statements in this counterproposal are true and correct to the best of my knowledge and belief.

Respectfully submitted,


Julian Jetzer

Julian Jetzer
N5589 State Highway 57
Plymouth, Wisconsin 53073

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

IN THE MATTER OF:)
AMENDMENT OF SECTION 73.202(B),) MM DOCKET NO: 92-228
TABLE OF ALLOTMENTS,) RM-8079
FM BROADCAST STATIONS.)
(ALLOUEZ AND SHEBOYGAN FALLS,)
WISCONSIN)
TO: THE COMMISSION

ENGINEERING STATEMENT

This Engineering Statement concerns the above captioned COUNTERPROPOSAL to a Petition For Rule Making; MM Docket Number: 92-228; RM-8079, to which this Engineering Statement is Appendix 1.

Julian E. Jetzer d/b/a Sheboygan Falls Broadcasting ("SFB"), the entity advancing said Counterproposal, conducted engineering studies and prepared the necessary Statements and Attachments to support the Counterproposal of Sheboygan Falls Broadcasting to amend Section 73.202(b) of the Commission's Rules and Regulations, to allot FM Channel 294A to the community of Sheboygan Falls, Wisconsin.

The Commission by NOTICE OF PROPOSED RULE MAKING, Adopted: September 24, 1992; Released: October 7, 1992; stated it believes it appropriate to propose amending

the FM Table of Allotments, Section 73.202(b) of the Commission's Rules as follows:

<u>CITY:</u>	<u>EXISTING:</u>	<u>PROPOSED:</u>
Allouez, Wisconsin	None	294C3

Sheboygan Falls Broadcasting ("SFB") advances the following COUNTERPROPOSAL in MM Docket Number: 92-228; RM-8079:

<u>CITY:</u>	<u>EXISTING:</u>	<u>PROPOSED:</u>
Sheboygan Falls, Wisconsin	None	294A

Sheboygan Falls Broadcasting proposes to provide the City of Sheboygan Falls, Wisconsin, a first aural broadcast service.

The geographic Reference Coordinates for the community of Sheboygan Falls, Wisconsin, supplied by the U.S. Geological Survey, are: 43°-43'-54" North Latitude, 87°-48'-30" West Longitude.

To allot FM Channel 294A to Sheboygan Falls, Wisconsin, and comply with minimum distance separation requirements for FM allotments, it is necessary to restrict the geographic coordinates of such an allotment to a location North of the community.

A restricted, illustrative, transmitting antenna location for an operation on FM Channel 294A at Sheboygan

Falls, Wisconsin, has been determined, consistent with all minimum distance separation requirements between FM radio broadcast stations, set forth in 47 Code of Federal Regulations, Section 73.207.

This restricted, illustrative transmitting antenna location is 2.04 kilometers (1.27 miles) distant, at a bearing of 0.00 degrees true (due North), from the City Of Sheboygan Falls, Wisconsin, Reference coordinates.

Attachment E-A to this Engineering Statement, a FM Channel 294A Distance Separation Study, with the illustrative transmitting antenna coordinates; 43°-45'-00" North Latitude, 87°-48'-30" West Longitude, as base, evidences the proposed illustrative site in complete compliance with all Commission minimum distance separation requirements for FM radio broadcast stations.

A typical maximum-facility Channel 294 Class A operation (an effective radiated power of 6,000 watts, radiated from an antenna radiation center 100 meters above average terrain) at this illustrative site shall provide the requisite 70 dBu (3.16 mV/M) Principal Community ("City-Grade") signal to the entire community of Sheboygan Falls, Wisconsin.

A grant of the Counterproposal (Petition), to which this Statement is Appendix I, shall provide a first local aural (FM) broadcast service to the City of Sheboygan

Falls, Wisconsin, fully consistent with all applicable Rules and Regulations of the Federal Communications Commission.

The most recent applicable FCC Rules and Regulations have been used in the preparation of this Statement.

It is believed to conform to the Standards of the Federal Communications Commission.

ENGINEERING STATEMENT; CONCLUDED

ATTACHMENT "A"

Page 1 of 2

CHANNEL STUDY

LOCATION: SHEBOYGAN FALLS, WISCONSIN
 SERVICE: COMMERCIAL FM
 CHANNEL: 294
 FREQUENCY: 106.7 MHZ.
 ZONE: II
 CLASS: A
 COORDINATES: 43°-45'-00" N.L., 87°-48'-30" W.L. (ILLUSTRATIVE COORDINATES)
 PETITIONER: JULIAN JETZER D/B/A SHEBOYGAN FALLS BROADCASTING
 DATE: NOVEMBER 24, 1992

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP(KW) EAH(MT)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WJLW CP	DE PERE WI	BPH-910703IG	240C3 95.9	25.00 83.00	44-23-19 88-01-57	345.8	73.18 61.18	12.0 CLEAR
WYUR-FM LIC	RIPON WI	BPH-911220ID	241A 96.1	2.00 91.44	43-49-10 88-43-20	276.0	73.92 63.92	10.0 CLEAR
WMIL-FM CP	WAUKESHA WI	BPH-890413IA	291B 106.1	20.00 232.00	43-05-48 87-54-19	186.2	72.99 03.99	69.0 CLEAR
WMIL-FM LIC	WAUKESHA WI	BLH-840530DA	291B 106.1	13.00 297.00	43-05-18 87-54-12	186.0	74.14 5.14	69.0 CLEAR
WKLA-FM LIC	LUDINGTON MI	BLH-910621KA	292A 106.3	4.05 122.00	44-03-30 86-24-59	73.0	116.88 85.88	31.0 CLEAR
NEW CP	WHITEWATER WI	BPH-900604MA	293A 106.5	3.00 100.00	42-55-03 88-42-52	218.5	118.08 46.08	72.0 CLEAR
PRM	ALLOUEZ WI	DOC. NO: 92-228	294C3 106.7		44-30-50 88-02-57	347.2	87.02 -54.98	145.0 SHORT
WYLL LIC	DES PLAINES IL	BLH-7489	294B 103.7	50.00 91.00	42-08-10 87-58-55	184.5	179.81 1.81	178.0 CLEAR
NEW CP	BROOKFIELD WI	BPH-861020TB	295A 106.9	3.00 100.00	43-07-41 88-05-36	198.5	72.83 0.83	72.0 CLEAR
NEW APP	BROOKFIELD WI	BMPH-910904II	295A 106.9	3.00 47.00	43-04-58 88-04-03	195.3	77.02 5.02	72.0 CLEAR

THIS PORTION OF THIS PAGE INTENTIONALLY BLANK.

ATTACHMENT "A"

Page 2 of 2

CHANNEL STUDY

LOCATION: SHEBOYGAN FALLS, WISCONSIN
SERVICE: COMMERCIAL FM
CHANNEL: 294
FREQUENCY: 106.7 MHZ.
ZONE: II
CLASS: A
COORDINATES: 43°-45'-00" N.L., 87°-48'-30" W.L. (ILLUSTRATIVE COORDINATES)
PETITIONER: JULIAN JETZER D/B/A SHEBOYGAN FALLS BROADCASTING
DATE: NOVEMBER 24, 1992

CALL STATUS	CITY STATE	FCC FILE	CHAN. FREQ.	ERP(KW) EAH(MT)	LATITUDE LONGITUDE	BEAR. (DEG.)	DIST. (KM.)	REQ. (KM.)
WFON LIC	FOND DU LAC WI	BLH-3824	296A 107.1	3.00 91.00	43-50-22 88-22-06	282.4	46.12 15.12	31.0 CLEAR
WSJY LIC	FORT ATKINSON WI	BLH-900817KC	297B 107.3	26.00 205.00	42-48-02 89-03-16	223.8	146.08 77.08	69.0 CLEAR

-----END CHANNEL 294A STUDY-----

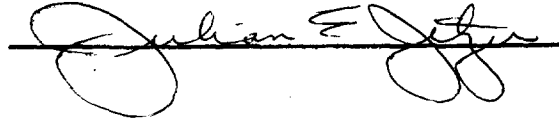
Indicates "Short-Spacing". The Counterproposal, of which this Attachment E-A is part, is mutually exclusive with the proposed Allouez, Wisconsin, Rule Making Number: 8079.

ATTACHMENT E-A; CONCLUDED

Certificate of Service

I certify that I have sent a copy of the foregoing
"Counterproposal" by U.S. first class mail to the following:

Malcolm G. Stevenson
Schwartz, Woods & Miller
The Dupont Circle Building, Suite 300
1350 Connecticut Avenue, NW
Washington, D.C. 20036

A handwritten signature in cursive script, appearing to read "Julian E. Jeter", is written over a horizontal line.